

Serial No.: 10/811,942
Art Unit: 3711

R E M A R K S

The Examiner rejected claims 1 through 11 under 35 U.S.C. 102(e) as being anticipated by Broadnax (U.S. Patent 6,485,020). Claim 1 has been amended to make it clear that players must pay the optional discard fee before any cards are dealt. In Broadnax, the players are allowed to discard if they place an additional bet after cards are dealt (see column 2, lines 14-19). Thus, amended claim 1 is distinguishable from Broadnax. As claims 2 and 4-11 depend from claim 1, it follows that they are also distinguishable from Broadnax. No change has been made in claims 2, 6, 7, and 9-11. Claim 3 has been cancelled. Claim 4 has been amended to make it depend from claim 2, because of the cancellation of claim 3. Claims 1 and 5 have been amended to make it clear that more than one deck of cards may be used. Claim 8 has been amended to make it clear that Ace is the specified rank referred to in step (d) of amended claim 1.

The Examiner rejected claims 12 through 19 under 35 U.S.C. 103(a) over Broadnax. As claim 1 has been amended to make it distinguishable from Broadnax, and as claims 12-17 and 19 depend from claim 1, it follows that the latter are also distinguishable from Broadnax. No change has been made to claims 12, 13, 15 and 19. Claims 14, 16 and 17 have been amended to make their language

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conform to a change in claim 1 and to better define the invention over the prior art. Claim 17 can be further distinguished from Broadnax, in that Broadnax does not disclose the possibility of play continuing after the dealer has a blackjack. Claim 18 has been cancelled.

The Examiner rejected claim 20 under 35 U.S.C. 103(a) over Broadnax in view of Herren et al. (U.S. Patent 6,877,746). As claim 1 has been amended to make it distinguishable from Broadnax, and as claim 20 depends from claim 1, it follows that claim 20 is also distinguishable from Broadnax. Claim 20 is distinguishable from Herren et al., because Herren et al. does not disclose a requirement that an optional discard fee be paid before any cards are dealt.

The present invention has been approved by the Gaming Control Board of the State of Nevada, in the letter attached as Exhibit A.

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S U M M A R Y

For the foregoing reasons, applicant respectfully submits that this application is in condition to be passed to issue. If such is not the case, the Examiner is respectfully requested to call Applicant's undersigned attorney at the number given below in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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GAMING CONTROL BOARD

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Ms. Ann D'Amico
Vice President
D'Amico & More
79 San Simeon Drive
Palm Springs, California 92264

RE: CORRESPONDENCE #2004-0332
"BLACKJACK MAGIC"

Dear Ms. D'Amico:

The Enforcement Division of the Gaming Control Board has reviewed your information regarding "Blackjack Magic."

Your modification of the game of Blackjack will constitute a change to the regular process of Blackjack in that your game allows for an option to place a preset fee, which allows for a player to discard one card from his/her two-card starting blackjack hand of hard 16 or less; no soft hands are included.

The fee is a flat 20 percent of the player's standard Blackjack bet. It is an optional fee for all players to participate in, and a special line is provided on the table layout for the placement of this fee. The house, regardless of the player's action, always retains this fee.

The player makes a decision whether or not to discard when it is the player's turn to act on his/her hand. If the player chooses to discard, the next card from the deck will be his/her replacement card. The new, two-card hand will be the player's official starting hand. After the player receives his/her replacement card, he/she will proceed to complete his/her hand according to all standard Blackjack rules of the house. When the dealer receives a blackjack, any player who has paid the discard fee (20 percent of his/her original wager) may draw any ten or ace in his/her hand. The player will discard his/her other card, as usual, and draw a replacement card, in an attempt to make a "Super Blackjack." If successful, the player is paid 3 to 2. Regardless of the dealer's blackjack, the player wins.

EXHIBIT A

LETTER (MS. ANN D'AMICO)
APRIL 14, 2005
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BLACKJACK MAGIC
GENERAL DISCARDING GUIDELINES

1. Always discard the smaller card from hard 12 through 16;
2. Always discard the larger card from 4 through 7;
3. Rules for pairs:
 - ▶ 8-8; always discard, except when splitting against 3, 4, 5, 6, or 7.
 - ▶ 7-7; always discard, except when splitting against 6.
 - ▶ 6-6; always discard, except when splitting against 6.
 - ▶ 3-3; always discard, except when splitting against 4, 5, or 6.
 - ▶ 2-2, always discard, except when splitting against 3, 4, 5, or 6.

On July 24, 2004, a mathematical analysis was received, along with your request for approval of your game modification. It was submitted to the Electronic Services Division for review. The Electronic Services Lab determined that the player payback percentages were not correct. On February 25, 2005, you provided a revised mathematical analysis, which contained different mathematical results than your original analysis. The Lab calculated the player payback percentages according to your discard guidelines, and determined that they were correct as follows:

BLACKJACK MAGIC
MATHEMATICAL ANALYSIS

Number of Decks	House Advantage %	Player Payback %
1	3.732	96.268
2	3.803	96.197
4	3.804	96.160
6	3.852	96.148

Approval is granted to operate Blackjack Magic. As it is a variation of Blackjack, which has already received approval through the Nevada Gaming Commission, a field trial will not be necessary.

Further questions regarding this matter should be directed to the Operations Unit of the Enforcement Division, at 555 East Washington Avenue, Suite 2600, Las Vegas, Nevada 89101.

Sincerely,


Keith Copher
Chief of Enforcement

KC/RM:mm
cc: Operations
Records and Research Services